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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,555

05/24/2006

Christophe Loussert

05-434

5044

34704

7590

03/03/2010

BACHMAN & LAPOINTE, P.C.

900 CHAPEL STREET

SUITE 1201

NEW HAVEN, CT 06510

EXAMINER

BROWN, VERNAL U

ART UNIT

PAPER NUMBER

2612

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/538,555	<b>Applicant(s)</b> LOUSSERT ET AL.	
	<b>Examiner</b> VERNAL U. BROWN	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

The application of Christopher Loussert for Device for Using Numerous Articles, Each Article Comprising at least one contact Data Medium filed 5/24/2006 has been examined. Claims 1-23 are pending.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claim 4, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

#### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it should be written on a separate page and it includes the phrase "the invention", this is implied and should be avoided.

Correction is required. See MPEP § 608.01(b).

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24, 25, 28-29, 37, 40-44, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monahan International Patent application Publication WO 03/034360 in view of Okada European Patent Application Publication EP0962407.

Regarding claim 24, 46, Monahan teaches a device for identifying articles comprising RFID label, the article being aligned on a support the devices comprising at least one antenna (fig. 8, page 11 lines 1-7). Monahan teaches the antenna is flexible and suitable for deforming in contact with the contour of the articles aligned to present a zone in contact with the contour of the article in contact and a zone extending the a manipulation medium (page 2 line 28-page 3 line 5). Monahan is silent on teaching the antenna head is flexible, the examiner consider the antenna head as the support mechanism for the antenna. Okada in an analogous art teaches. Okada in an analogous art teaches the antenna support system is configured to move when in contact with the mobile object and the antenna unit deforms when brought in contact with the mobile unit (col. 4 lines 21-30, col. 5 lines 1-7).

It would have been obvious to one of ordinary skill in the art to modify the system of Monahan as disclosed by Okada because the antenna head provides the physical support mechanism for the antenna and a flexible antenna head allow the antenna head to conforms to the different shape objects traveling along the conveyor belt.

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Regarding claims 25, 27, 28, Monahan teaches connecting with a power supply module of the antenna (page 11 lines 22-27).

Regarding claim 29 and 41, Monahan teaches a device includes a storage device such as a computer (figure 1) and provides the means for displaying the label information to the user.

Regarding claim 37, Monahan teaches the device is mounted on a movement means (figure 8).

Regarding claim 40, Monahan teaches each stores data and comprises a data storage means evidenced by the interrogation of the tag (page 6 lines 17-22).

Regarding claims 42-44, Monahan is silent on teaching the antenna head comprises numerous fingers. Okada in an analogous art teaches the antenna head (22) comprising numerous fingers that include a flat antenna (21b) as shown in figure 1.

It would have been obvious to one of ordinary skill in the art to modify the system of Monahan as disclosed by Okada because number fingers which include an antenna provides a wider coverage area.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Monahan International Patent application Publication WO 03/034360 in view of Okada European Patent Application Publication EP0962407 and further in view of Bartels US Patent 6664770.

Regarding claim 26, Monahan is silent on teaching the power connection means is wireless. Bartels teaches the use of a wireless connection means in a antenna system (col. 1 line 62-col. line 10).

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It would have been obvious to one of ordinary skill in the art to modify the system of Monahan in view of Okada as disclosed by Bartels because wireless connection means is an alternative to wired connection means.

Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monahan International Patent application Publication WO 03/034360 in view of Okada European Patent Application Publication EP0962407 and further in view of Brown US Patent 7030760.

Regarding claims 30-32, Monahan is silent on teaching comparing the retrieved or collected items data with the prerecorded data associated with the particular items. Brown in an analogous art teaches teaching comparing the retrieved or collected items data with the prerecorded data associated with the particular items and providing an alarm on the retrieval of data corresponding to a particular label (abstract). Brown also teaches entering the identification information of the item that need to be found (col. 13 lines 27-38).

It would have been obvious to one of ordinary skill in the art to modify the system of Monahan in view of Okada as disclosed by Brown because comparing the retrieved or collected items data with the prerecorded data associated with the particular items provides for the locating of a particular tagged object and allow the user to be notified when the object is located.

Claims 33-36, 38, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monahan International Patent application Publication WO 03/034360 in view of Okada European Patent Application Publication EP0962407 and further in view of Vega et al. US Patent 6218942.

Regarding claims 33-36, 38, and 45, Monahan is silent on teaching the dimension of the head is greater than the antenna. Vega et al. in an analogous art teaches the antenna head is

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greater than the dimension of the antenna (col. 3 lines 36-53) and the examiner further considers this a design choice. Vega et al. also teaches the antenna head (916) has a rectangular shape, a gripping means 918 for allowing the head to be transported, the head is rotatable with the RFID reader, an activation triggering means (921), (figure 11).

It would have been obvious to one of ordinary skill in the art to modify the system of Monahan in view of Okada as disclosed by Vega et al. because an antenna head with a larger dimension provides protection to the antenna. .

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Monahan International Patent application Publication WO 03/034360 in view of Okada European Patent Application Publication EP0962407 and further in view of Meek et al. US Patent 5602744.

Regarding claim 39, Monahan is silent on teaching the flexible head is made of plastic. Meek et al. in an analogous art teaches the antenna head is made of plastic (col. 11 lines 14-40).

It would have been obvious to one of ordinary skill in the art to make the flexible head of plastic because plastic is more economical and provides the desired properties.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/  
Primary Examiner, Art Unit 2612